<u>REMARKS</u>

This Amendment is submitted in response to the Examiner's Action dated May 29, 2002, having a shortened statutory period set to expire August 29, 2002.

In the Action dated May 29, 2002, the Examiner has objected to the drawings under 37 C.F.R. §1.83(a). The Examiner believes the drawings do not show every feature of the invention specified within Claims 2-4 and 7-29. To the extent those claims remain within the Application, the Examiner's objection is traversed.

For example, the method of Claim 4 recites the displaying of a visual indicator of the association of selected transactions within and forming a transaction group when the selected transaction within the group are individually displayed. The Examiner's attention is invited to Figures 2A and 2B wherein visual cues 212 and 214 are depicted as a visual indicator of the association of selected transitions within and forming a transaction group. The Examiner's objection with respect to Claim 4 is therefore not believed to be well founded.

Claim 8 recites an apparatus for facilitating account statement reconciliation which includes "association means" for "persistently associating selected transactions within data records for an account to form a transaction group which may be selectively treated as a single transaction . . ." and "display means" for "displaying a total for the transaction group when the selected transactions within the transaction group are individually displayed . . ." Applicant respectfully urges the Examiner to consider that Figure 1B includes display 132 which is clearly utilized to provide the "display means" set forth within this claim. Similarly, "association means" as set forth within the claim refers clearly to processor 116 when programmed in the manner set forth within the high level logic flow charts depicted within the present specification.

It is well settled in the law that patent specifications are drafted in order to depict the claimed invention to one having ordinary skill in the art. This precise fact pattern was decided in 1992 by the

Court of Appeals for the Federal Circuit in *In re Hayes Michael Computer Products, Inc.* Patent Litigation 25 U.S. P.Q.2d 1241. In that case an alleged infringer argued that the Applicant failed to include adequate drawings under 35 U.S.C. §113 by a failure to illustrate various "means" within that specification. The Court held that drawing such as those submitted with this Application were "sufficient for a skilled artist and to understand the subject matter of the claimed invention. The microprocessor is identified as element 55 in Figure 1B of the Specification. On the facts in this case, no more need to be included in the drawings to satisfy the description requirement." Applicant urges the Examiner to consider that those having ordinary skill in the art for whom this Specification is drafted will clearly comprehend that the "association means" set forth within this claim is an appropriately programmed processor such as processor 116 within Figure 1B. Applicant urges that this logic follows for "indication means" of Claim 11 and that the computer program product factors set forth within Claims 15 and 18 are similarly illustrated within the drawings.

Claims 21 and 25 are also clearly illustrated within Figure 1A to the extent necessary for one having ordinary skill in the art to comprehend the present invention and the transaction group record set forth within Claim 26 is clearly depicted within Figures 2A and 2B. Consequently, Applicant urges the Examiner to withdraw the objection to the drawings to the extent the Examiner believes those drawings fail to show each feature of the invention specified in the remaining claims as the claims are clearly illustrated within the drawings to the extent required by the courts in such matters.

With respect to the Examiner's objection to Figure 1B, Applicant submits herewith a proposed drawing correction which is labeled "Prior Art" as required by the Examiner. Similarly, a proposed correction to Figure 4A correcting a typographical error on the reference numerals contained therein is also submitted. These drawing corrections and the arguments set forth above are believed to overcome the Examiner's objection to the drawings and withdrawal of the Examiner's objection is therefore respectfully requested.

The Examiner has also rejected Claims 2-4 and 7-29 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor, at the time the Application was filed, had possession of the claimed invention. Specifically, to the extent those claims have not been cancelled, those claims are clearly illustrated within the drawings and described in the Specification as set forth above in a manner which demonstrates Applicant's possession of the invention and the Examiner's rejection is not believed to be well founded.

With respect to the computer program claims, Applicant urges the Examiner to consider that such claims are a well recognized and accepted form of claiming an invention which is embodied within software which is adapted to be processed within a computer and the depiction of a computer and the illustration of the process utilizing high level flow charts has been for many years the appropriate technique for depicting such inventions. Indeed, the Commissioner himself has expressly stated that so-called "Beauregard" claims are a well accepted technique for claiming inventions which are embodied within software and Applicant does not understand the Examiner's rejection of these claims.

Similarly, "internet clients" and "internet servers" are terms of art which are understood by those having only rudimentary skill in this art and which are clearly illustrated within Figure 1A of the present Specification. Surely the Examiner does not mean to imply that one having skill in this art would fail to comprehend the manner in which the present invention is implemented within those devices.

Should the Examiner desire to sustain this rejection, Applicant hereby offers to submit a Declaration from one having only rudimentary skill in the computer arts that the present Specification, at the time it was filed, contains a clear and distinct description of the manner for carrying out the invention set forth within the present claims. Consequently, Applicant urges the Examiner to withdraw the rejection of the remaining claims under 35 U.S.C. §112, first paragraph, as that rejection is not well founded.

Next, the Examiner has rejected selected claims under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly plan the subject matter which the Applicant regards as the invention. Specifically, within Claim 1, the Examiner believes "the account data records" "the transaction group" and "the selected transactions" lack appropriate antecedent basis. Applicant respectfully disagrees with the Examiner's position and points out respectfully, that the claims are intended to be read by one having ordinary skill in the art. Upon reference to a statement which sets forth "selected transactions within data records for an account", a subsequent reference to "the account data records" cannot be said to lack appropriate antecedent basis. Similarly, as the claim expressly recites forming "a persistent transaction group" subsequent references to "the transaction group" will fully be understood when read by one having ordinary skill in this art. Finally, the claim clearly recites "associating selected transactions" which, beyond cavil, forms an antecedent basis for "the selected transactions."

With respect to Claim 4, the Examiner believes the phrase "the association" lacks antecedent basis and the Applicant respectfully urges the Examiner to consider that Claim 4 depends from Claim 1 which expressly recites "associating selected transactions" and it is therefore clear to one having only rudimentary skill in this art that "the association" refers back to Claim 1.

With respect to Claim 6, the Examiner believes the phrase "the external account" lacks antecedent basis. Applicant would respectfully urge the Examiner to consider that Claim 6 actually recites "the external account statement" and depends from Claim 5, which depends from Claim 1. Claim 1 clearly recites "an external account statement" and the Examiner's position is therefor without basis and should be withdrawn.

Similarly, with respect to Claim 8, the Examiner's belief that "the selected transactions" lacks antecedent basis is belied by the express recitation within Claim 8 "means for persistently associating selected transactions." In a manner similar to that described above, Claim 11's recitation of "the association" clearly refers back to the "associating" step set forth within Claim 8 in the Examiner's rejection of Claims 8 and 11 on this basis is not believed to be well founded.

In a manner similar to that described above, with respect to Claim 15, the recitation "the transaction group" clearly refers back to the express recitation "to form a persistent transaction group . . ." and the Examiner's rejection of this claim is not believed to be well founded.

Again, with respect to Claim 21, the phrase "the selected transactions" refers to line 7 which expressly states "selected transactions within the account transactions . . ." similarly, the Examiner objects to the recitation within the claim of the phrase "the total" when referring to a numerical summation of the transactions within the transaction group. Surely the Examiner does not mean to imply that one having ordinary skill in this art would be dumbfounded by this phrase and would fail to comprehend that the phrase "the total" refers to a numerical summation of the transactions within the group? In any event, Applicant respectfully traverses the Examiner's rejection of this claim as not well founded.

Finally, with respect to Claim 26, the Examiner believes the phrase "the Internet" at lines 2 and 3 lacks appropriate antecedent basis. As there is only one Internet, Applicant fails to see how referring to "the Internet" is not clear and definite. Similarly, the Examiner's objection to "the information" at line 6 lacks antecedent basis when line 4 clearly recites "transmitting information regarding an account . . ." Also, the Examiner objects to the phrase "the account transaction records" as lacking antecedent basis. Applicant does not fully comprehend the Examiner's basis for this rejection as the preamble of Claim 26 clearly recites "a method of automatically reconciling account transaction records . . ." and any subsequent reference to "the account transaction records" clearly finds antecedent basis in that preamble.

Finally, the Examiner has rejected the claims over prior art. The Examiner rejects Claims 1, 3-8, 10-15 and 17-24 under 35 U.S.C. §103(a) as being unpatentable over *Microsoft Money*. That rejection is respectfully traversed insofar as it applies to the claims remaining in the present Application. Specifically, in response to Applicant's comments filed January 16, 2002, in which the Applicant noted that this reference fails to show or suggest in any way "displaying a total for the transaction group when the selected transactions within the transaction group are individually

displayed, where the total for the transaction group may be readily reconciled with a consolidated entry in an external account statement." This feature is clearly set forth within Figure 2B of the present Application in which the three entries on May 15 are each depicted individually with an individual amount and wherein in Column 210, a total for the group transaction is similarly depicted.

In response to this glaring deficiency within the reference, the Examiner refers to the number "0.00" referenced at page 40 of the *Microsoft Money* reference in the bottom right hand corner. The Examiner states "this total fully encompasses Applicant's claim language." Applicant respectfully and most strenuously disagrees with the Examiner's position. Applicant urges the Examiner to consider that there is absolutely no possible definition of the word "total" which comprehends "0.00", especially when the total of the four entries depicted on the split transaction page within the reference is $176.00. The number referred to by the Examiner is in the block labeled "unassigned" which is expressly set forth within the *Microsoft Money* reference as a comparison between the split transaction total and the overall transaction amount. There is absolutely no way in which this difference amount can be said to show or suggest in any way the depiction of a "total" for a group of transactions which are also individually displayed as set forth within the claims of the present Application and the Examiner's continued reliance upon this reference is not believed to be well founded. As a consequence, Applicant believes the Examiner's rejection over this reference is not well founded and it should be withdrawn.

Similarly, the Examiner rejects the claims under 35 U.S.C. §103(a) as being unpatentable over *Schrader, et al.*, U.S. Patent No. 5,903,881, in view of *Stein, et al.*, U.S. Patent No. 5,826,241, and further in view of the aforementioned deficient *Microsoft Money* reference. That rejection is also respectfully traversed. As noted in Applicant's previous response, the *Schrader, et al.* references and *Stein, et al.* references fail to teach the treatment of a transaction group as either a single transaction or a plurality of transactions by the association of selected transactions into a persistent transaction group which includes the display of a total for that transaction group and a visual cue as set forth within the claims remaining in the Application. As *Microsoft Money* is clearly deficient in its failure to show the display of both a total and a transaction group, no combination of these references,

whether considered singly or together, can be said to show or suggest this invention and withdrawal of the Examiner's rejection is therefore respectfully requested.

In summary, Applicant urges that Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26 define patentable subject matter over the cited references and withdrawal of all objections and rejections and passage of this Application to issue is respectfully urged.

No fee is believed to be required; however, in the event any additional fees are required, please charge IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be required; however, in the event any extension of time is required, please consider that extension requested and please charge any associated fee and any additional required fees, to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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